

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 743**

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**Introduced by Assembly Member Portantino**

February 26, 2009

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*An act to amend Section 306.5 of, and to repeal and add Section 16010.6 of, the Welfare and Institutions Code, relating to foster care.*

LEGISLATIVE COUNSEL'S DIGEST

AB 743, as amended, Portantino. Foster care: sibling placement.

Existing law provides for the placement of dependent children by the juvenile court according to specified procedures. Existing law declares the policy of the Legislature relating to foster care, including that foster care should be a temporary method of care for children and that reunification with the natural parent or parents or another alternate permanent living situation such as adoption or guardianship is more suitable to a child's well-being than is foster care.

~~This bill would state the intent of the Legislature to enact legislation that would require foster children to be placed with, and remain placed with, their siblings absent a legal finding that keeping the sibling group together would be detrimental to one or more of the children.~~

*Under existing law, a social worker who takes a minor into custody is required to place the minor together with any siblings or half-siblings who are detained, to the extent that it is practical and appropriate, or to include a statement in a specified report as to why that placement would not be appropriate.*

*This bill would, instead, require the social worker to make reasonable efforts to place the minor and his or her siblings or half-siblings*

together, or to include in the report a statement as to why that placement would be contrary to the safety or well-being of any of the siblings.

Existing law requires, as soon as possible after a placing agency makes a decision with respect to a placement or a change in placement of a dependent child, the placing agency to notify the child's attorney and provide specified information.

This bill would recast and revise the above requirements relating to the placement of siblings, including requiring the placing agency to make a specified notification to the child's attorney and the child's sibling's attorney when a planned change of placement will result in the separation of siblings currently placed together.

By increasing the duties of social workers and county placing agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. Section 306.5 of the Welfare and Institutions Code*
- 2     *is amended to read:*
- 3     306.5. In any case in which a social worker takes a minor into
- 4     custody pursuant to Section 306, the social worker shall, ~~to the~~
- 5     ~~extent that it is practical and appropriate,~~ *make reasonable efforts*
- 6     *to place the minor together with any siblings or half-siblings who*
- 7     *are also detained or include in the report prepared pursuant to*
- 8     *Section 319 a statement of his or her continuing efforts to place*
- 9     *the siblings together or why those efforts are not appropriate a*
- 10    *joint placement would be contrary to the safety or well-being of*
- 11    *any of the siblings.*
- 12    *SEC. 2. Section 16010.6 of the Welfare and Institutions Code*
- 13    *is repealed.*

1     ~~16010.6. (a) As soon as possible after a placing agency makes~~  
2 ~~a decision with respect to a placement or a change in placement~~  
3 ~~of a dependent child, the placing agency shall notify the child's~~  
4 ~~attorney and provide to the child's attorney information regarding~~  
5 ~~the child's address, telephone number, and caregiver. This~~  
6 ~~requirement is declaratory of existing law.~~

7     ~~(b) The Judicial Council shall adopt a rule of court directing the~~  
8 ~~attorney for a child for whom a dependency petition has been filed;~~  
9 ~~upon receipt from the agency responsible for placing the child of~~  
10 ~~the name, address, and telephone number of the child's caregiver,~~  
11 ~~to timely provide the attorney's contact information to the caregiver~~  
12 ~~and, if the child is 10 years of age or older, to the child. This rule~~  
13 ~~does not preclude an attorney from giving contact information to~~  
14 ~~a child who is younger than 10 years of age.~~

15     ~~SEC. 3. Section 16010.6 is added to the Welfare and Institutions~~  
16 ~~Code, to read:~~

17     ~~16010.6. (a) Absent exigent circumstances, as soon as a~~  
18 ~~placing agency becomes aware of the need for a change in the~~  
19 ~~placement of a dependent child, the placing agency shall notify~~  
20 ~~the child's attorney.~~

21     ~~(b) If the planned change of placement will result in the~~  
22 ~~separation of siblings currently placed together, the placing agency~~  
23 ~~shall notify the child's attorney and the child's siblings' attorneys~~  
24 ~~of the separation no less than 10 days prior to the planned~~  
25 ~~replacement so that the attorney may investigate the circumstances~~  
26 ~~of the proposed separation. In the event that the attorney objects~~  
27 ~~to the separation, the attorney may file an ex parte notice of~~  
28 ~~hearing. In the event of an emergency, the placing agency shall~~  
29 ~~provide notice as soon as possible, but no later than 24 hours from~~  
30 ~~the change of placement.~~

31     ~~(c) As soon as a placing agency makes a decision with respect~~  
32 ~~to a placement or a change in placement of a dependent child, the~~  
33 ~~placing agency shall notify the child's attorney and provide to the~~  
34 ~~child's attorney information regarding the child's address,~~  
35 ~~telephone number, and caregiver. This requirement is declaratory~~  
36 ~~of existing law.~~

37     ~~(d) For purposes of this section, "sibling" is defined as a child~~  
38 ~~related to another person by blood, adoption, or affinity through~~  
39 ~~a common legal or biological parent, including half-siblings and~~  
40 ~~adoptive siblings.~~

1     (e) *The Judicial Council shall adopt a rule of court directing*  
2 *the attorney for a child for whom a dependency petition has been*  
3 *filed, upon receipt from the agency responsible for placing the*  
4 *child of the name, address, and telephone number of the child's*  
5 *caregiver, to timely provide the attorney's contact information to*  
6 *the caregiver and, if the child is 10 years of age or older, to the*  
7 *child. This rule does not preclude an attorney from giving contact*  
8 *information to a child who is younger than 10 years of age. .*

9     *SEC. 4. If the Commission on State Mandates determines that*  
10 *this act contains costs mandated by the state, reimbursement to*  
11 *local agencies and school districts for those costs shall be made*  
12 *pursuant to Part 7 (commencing with Section 17500) of Division*  
13 *4 of Title 2 of the Government Code.*

14     ~~SECTION 1. It is the intent of the Legislature to enact~~  
15 ~~legislation that would require foster children to be placed with,~~  
16 ~~and remain placed with, their siblings absent a legal finding that~~  
17 ~~keeping the sibling group together would be detrimental to one or~~  
18 ~~more of the children.~~